

REMARKS/ARGUMENTS

Original Claims 4, 10, and 17 have been canceled from this application without prejudice or disclaimer since those claims were pursued in this application's parent application. The limitations of claims 2, 8, and 15 have been incorporated into independent claims 1, 7, and 14, respectively. Claims 1, 3, 5-7, 9, 11-14, 16, 18 and 19 are retained from the parent application. Claims 1, 7 and 14 have been amended to delete reference numerals. Claims 5-6, 11-13 and 18-19 have been amended to produce new amended claims that are not multiply dependent in order to reduce official fees.

As indicated above, claim 1 has been amended to include the limitation of claim 2; claim 7 has been amended to include the limitation of claim 8; and claim 14 has been amended to include the limitation of claim 15. As such, claims 2, 8, and 15 have been canceled.

In the final rejection which issued in the parent application, the Examiner rejected claims 2, 8, and 15 as allegedly being obvious over Barth (U.S. Patent No. 6,154,821). This ground for rejection is respectfully traversed.

The Examiner admits that Barth does not expressly teach "disabling at least some of the devices using control signals transmitted on the control bus."

However, "Official Notice" was taken by the Examiner that both the concept and advantages of disabling specific devices on a bus, including selecting a plurality of devices on the bus or devices located furthest from the controller, are well known in the art.

The Applicant respectfully disagrees with the Examiner and therefore the Examiner is respectfully requested to cite art supporting his contentions and/or to produce an affidavit as required by the rules of practice. See 37 CFR 1.104(d)(2). By citing particular prior art as opposed to taking "Official Notice," then it is much easier to deal with the issue of just what are the advantages of disabling specific devices on the bus and, moreover, what motivation, if any, there might be for modifying Barth to include such a feature.

Assuming that device disable may be well known for the purposes of power conservation, what does this have to do with Barth reporting an error if a maximum number of DRAM devices is exceeded (see column 13, lines 21-22 of Barth)? It would seem that, even assuming that the Examiner's assertions are correct, that a person of ordinary skill in the art would, at best, be taught by the prior art to follow the teachings of Barth with respect to reporting an error of the maximum number of DRAM devices is exceeded and to disable devices for the purposes of power conservation. Where is there any teaching or suggestion "to disable at least some of the devices using control signals transmitted on the control bus in order to bring the data transfer bus into an operable condition" as cited, for example, in claim 1? How can power management possibly meet that limitation of claim 1 or the limitations of the other claims? It is asserted, with all due respect to the Examiner, that the Examiner is making this rejection based upon a hindsight reconstruction of Applicant's invention. The issue is not whether the Applicant's invention is apparent to the Examiner after the Examiner has read this patent application, but whether the invention would have been obvious to a person with ordinary skill in the art, who did not have the privilege of reading Applicant's patent application, based upon the prior documents cited by the Examiner. The applicant respectfully submits that the claims patentability distinguish themselves from the prior art.

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The introduction portion of the specification has been amended to refer this divisional application back to its parent. The abstract has also been amended to delete reference numerals, and to make it a single paragraph.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to Deposit Account No. 12-0415.

I hereby certify that this paper is being deposited with the United States Postal Service in an Express Mail envelope with sufficient postage for Express Mailing in an envelope addressed as "Express Mail Post Office to Addressee" mailing Label Number EV301024046US addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

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Respectfully submitted,



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